

Amendments to the Drawings

A replacement sheet 4 of the drawings is presented herewith incorporating desired changes to Fig. 12.

Remarks/Arguments

Applicant affirms the election of species made by counsel in the telephone conversation of December 2, 2004. The claims readable on the elected species (Figs. 1-4) are as the Examiner notes in the Office Action.

Original claims 1-15 are canceled herein. New claims 16-27 are entered. Claims 16-23 and 26-27 are readable on the elected species.

In response to the objection to the Specification, the errors noted by the Examiner in the Office Action are above corrected by corrections to two paragraphs of the Specification. Reconsideration is requested.

In response to the objection to the drawings, a replacement sheet 4 of the drawings is attached. Fig. 12 is corrected to change reference numeral "48a" (not mentioned in the Specification) to --46a-- to be consistent with Fig. 11. Reconsideration is requested.

The new claims do not carry over the objectionable language noted by the Examiner in original claims, 2, 5 and 10. It is accordingly submitted that the claim objections no longer apply. Reconsideration is requested.

The original independent claims stand rejected as being anticipated under 35 USC 102(b) by Felix Patent No. 1,710,157 and O'Grady Patent No. 5,314,154. The rejections are respectfully traversed and reconsideration is requested insofar as the original independent claims are above replaced. The now pending independent claims are claims 16, 20 and 26.

Claim 16 reads as follows.

16. In combination, a cable tie having a head portion and a tail extending from said head portion, said tail having a self-bias to a planar configuration, and a securement member, said tail being deformed from said planar configuration to have an arcuate portion in engagement with said securement member, said self-bias of said tail biasing said securement member into contiguous engagement with one surface of said tail such that said securement member and said tail are attached with one another. (emphasis added)

In the reasoning underlying the rejection of the original independent claims over Felix, the Examiner advises as follows.

...Felix discloses in combination, a mounting panel (wall in Fig. 2; lines 27-29) defining a mounting opening (4), a cable tie (1) having a head portion (at one free end) and a tail (adjacent 2) extend from the head portion to a free end (opposite free end) and a securement member (3) having a dimension exceeding an extent of the mounting panel opening, the tail extending through the mounting opening and defining a v-shaped tail portion (between 2 and 2) rearwardly of the mounting panel and urged there against by the cable tie tail and being portable with the cable tie...

There is no structure or function counterpart to the above underscored recitations of claim 16 in the Felix patent. From

Fig. 2 it is clear that wire 3 does not have a self-bias to a planar configuration as contrasted with applicant's elected embodiment of Figs. 1-4. Felix indeed indicates that his assembly of securement member and wire does not occur until the wire is twisted as shown in Fig. 1.

It is submitted that claim 16 is not anticipated by the Felix patent in that express content of claim 16 is neither disclosed or suggested by Felix.

New claim 20 reads as follows in pertinent part as respects the Felix patent.

20. Apparatus for mounting cables...comprising... a cable tie having a self-bias to a planar configuration...said arcuate tail portion biasedly bearing against a rear surface of said securement member...

As noted above, the Felix wire does not have the claimed features. It is submitted that claim 20 is not anticipated by the Felix patent in that express content of claim 20 is neither disclosed or suggested by Felix.

New claim 26 reads as follows in pertinent part.

26. A method for mounting a cable tie...said cable tie having a self-bias to a planar configuration...said tail self-bias biases said securement member against said mounting panel rear surface.

As noted above, the Felix wire does not have the claimed features. It is submitted that claim 26 is not anticipated by

the Felix patent in that express content of claim 26 is neither disclosed or suggested by Felix.

Given the foregoing, it is submitted that claims 16, 20 and 26 are patentable over the Felix patent.

The Examiner advises the O'Grady patent to disclose as follows.

...O'Grady discloses in combination, a mounting panel (24) defining a mounting opening (26), a cable tie (20) having a head portion (at 20 in Fig. 11) and a tail extending from the head portion to a free end (opposite end of 20), and a securement member (10) having a dimension exceeding and extent of the mounting panel opening, the tail extending through the mounting opening and defining a v-shaped tail portion (see Figs. 11 and 12) rearwardly of the mounting panel and urged thereagainst by the cable tie tail and being portable with the cable tie...

Claim 16 reads as follows.

16. In combination, a cable tie having a head portion and a tail extending from said head portion, said tail having a self-bias to a planar configuration, and a securement member, said tail being deformed from said planar configuration to have an arcuate portion in engagement with said securement member, said self-bias of said tail biasing said securement member into contiguous engagement with one surface of said tail such that said securement member and said tail are attached with one another. (emphasis added)

While O'Grady does teach a cable tie having self-bias to render his tail planar (as is the case with all known cable ties), he does not disclose or suggest that such self-bias to effect contiguous engagement as between his securement member and his cable tie. Thus, as is seen in Fig. 1, securement member 10

of O'Grady is in contiguous engagement only with mounting panel 24 and clearly not with his cable tie 20.

It is submitted that claim 16 is not anticipated by the O'Grady patent in that express content of claim 16 is neither disclosed or suggested by O'Grady.

Claim 20 reads as follows.

20. (new) Apparatus for mounting cables on an upstanding mounting panel having front and rear surfaces and a mounting aperture therethrough, said apparatus comprising, a securement member for securing a cable tie to said mounting panel and having a forward surface bearing against said mounting panel rear surface and of vertical dimension exceeding a vertical dimension of said mounting panel aperture, said securement member having at least one opening therethrough, and a cable tie having a self-bias to a planar configuration, a head and a tail extending from said head, said tail having opposed first and second tail courses folded upon one another and extending through said securement member at least one opening and an arcuate tail portion between said first and second tail courses, said arcuate tail portion biasedly bearing against a rear surface of said securement member, said tail first course being disposed upwardly of said tail second course. (emphasis added)

As is illustrated in Figs. 1 and 6-10 of the O'Grady patent, when his securement member (strap mount 10) is disposed such that it has a vertical dimension exceeding a vertical dimension of the mounting panel opening 26, folded courses of cable strap 20 are at a same elevation. This is in direct contrast to the requirements of claim 20.

It is appreciated that O'Grady contemplates rotation of his mounting apparatus relative to his panel opening. Assuming a rotation of ninety-degrees, i.e., placing one tail fold above the other, this results in his securement member being not vertically disposed, but having its dimension spanning the panel mount opening horizontal.

It is submitted that claim 20 is not anticipated by the O'Grady patent in that express content of claim 20 is neither disclosed or suggested by O'Grady.

Claim 26 reads as follows in pertinent part.

26. A method for mounting a cable tie on a mounting panel...

a) providing said cable tie with an elongate securement member such that said securement member longitudinal axis is aligned with said cable tie tail longitudinal axis and that said securement member is rotatable relative to said cable tie tail... (emphasis added)

In contrast to the foregoing requirement of claim 26, O'Grady calls for his assembly of cable tie and securement member to be effected while the respective longitudinal axes thereof are not in alignment, but are orthogonal to one another. See O'Grady's Fig. 6.

It is submitted that claim 26 is not anticipated by the O'Grady patent in that express content of claim 26 is neither disclosed or suggested by O'Grady.

Given the foregoing, it is submitted that claims 16, 20 and 26 are patentable over the Felix patent.

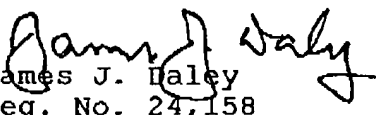
Reliance is placed on In re Fine, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) and Ex parte Kochan, 131 USPQ 204 (Bd. App. 1960) for allowance of the dependent claims, since they differ in scope from parent independent claims submitted as patentable.

Patentability of all now pending claims is believed to have been established and, as such, it is submitted that this application is now in condition for allowance. Indication to that effect is solicited.

Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone undersigned counsel for applicant at (908) 654-3848.

This paper is being filed by facsimile transmission to 1-703-872-9306 on this 1st day of April, 2005. Also filed herewith is a request for a one-month extension of time for filing this response together with a paper authorizing the charge of the required fee (\$60) to a credit card of undersigned.

Respectfully submitted,


James J. Daley
Reg. No. 24,158
Attorney for Applicant